

REMARKS

The non-final Office Action issued July 19, 2004 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claims 1-3 and 5-13 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,345,260 to Cummings, Jr. et al. ("Cummings"). Claims 4 and 14-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cummings in view of the "Multilingual Glossary of Technical and Popular Medical Terms In Nine European Languages," Final Report, Online: <http://allserv.rug.ac.be/~rvdstich/eugloss/information.html> ("Multilingual Glossary") and U.S. Patent No. 6,047,274 to Johnson et al. ("Johnson") as applied in the Office Action. Claims 1, 14, 27 and 31 have been amended and claims 29 and 30 have been canceled. Applicants respectfully request reconsideration of pending claims 1-28, 31 and 32.

Applicants respectfully traverse the rejections under Sections 102(e) and 103(a) contending that Cummings, alone or in combination with either the Multilingual Glossary or Johnson, fails to either anticipate claims 1-3 and 5-13 or otherwise render claims 4, 14-28, 31 and 32 unpatentable because Cummings, alone or in combination with either the Multilingual Glossary or Johnson does not show, describe, teach or suggest each and every element of amended independent claims 1, 14 or 27.

Independent claim 1, has been amended to recite a system for allowing users to simultaneously contact multiple providers to secure an appointment on short notice, the system comprising, among other features, a web application that includes a web site, "the web site including a translator having at least a medical term list translated in a plurality of languages of a plurality of countries and a pharmaceutical drug list translated in the plurality of languages, the pharmaceutical drug list including at least formulation information and brand name information of at least one pharmaceutical drug, the translator providing translation between the multiple

languages of the at least formulation and brand name information of the at least one pharmaceutical drug.” Support for this amendment is provided at, for example, page 7, lines 13-16 of the application as originally filed.

Cummings, alone or in combination with either the Multilingual Glossary or Johnson does not show or describe a web site including a translator having at least a medical term list translated in a plurality of languages and a pharmaceutical drug list translated in the plurality of languages, the pharmaceutical drug list including at least dosage information and brand name information of at least one pharmaceutical drug. Because Cummings, alone or in combination with either the Multilingual Glossary or Johnson fails to show each and every limitation of claim 1, neither anticipation nor a *prima facie* case of obviousness can be established. MPEP §§ 2131, 2143. Moreover, the Multilingual Glossary specifically provides that the preliminary list of the Multilingual Glossary underwent a first and second reduction by “leaving out the following terms: . . . chemical structure terminology [and] compounds.” See Multilingual Glossary at Sec. 2.1. A third reduction of the list of the Multilingual Glossary “lead to a final list of 1,830 medical terms, to be used as the basis for the subsequent translation research.” *Id.* Because the Multilingual Glossary does not include chemical structure terminology and compounds, Applicants respectfully submit that the Multilingual Glossary would not include a translator having a pharmaceutical drug list as claimed. Thus, any attempt to modify the Multilingual Glossary so as to include the translator of amended claim 1 would not cure the deficiency because to do so would render the Multilingual Glossary unsatisfactory for its intended purpose, and for at least this reason, a *prima facie* case of obviousness cannot be established. MPEP § 2143.01.

Amended claim 1 further recites among other features, “a facilitator that sets up and mediates a communication including a request for an appointment generated from a user and a response generated from at least one provider in response to the request” and “a monitor that monitors the communication, including checking that the response is generated within a predefined time period and intervenes directly if the response is not generated in the predefined time period.”

Amended claim 14 recites a method for enabling a user to simultaneously contact a multitude of providers to secure an appointment on short notice, the method comprising, among other features, the step of “monitoring a response, by a monitoring group, to the notification by each of the second plurality of providers to form a plurality of responses, including monitoring that the response is generated within a predefined time period and directly intervening if the response is not generated within the predefined time period.”

Claim 27 has been amended so as to substantially incorporate dependent claims 29 and 30 thereby reciting a method for enabling a facilitator to mediate communication exchanges between a user and a plurality of providers in a system that allows the user to simultaneously contact the plurality of providers to request an appointment on short notice, the method comprising, among other features, “allowing the facilitator to view exchanges and histories of exchanges between users and providers, including checking, by the system, that each request has been processed within a predefined period of time, issuing a request to a monitoring group if the request has not been processed within the predefined period of time and intervening to set up the appointment, by the monitoring group.”

No new matter has been introduced by these amendments. Support for each of the amendments is provided in the application as filed at, for example, at page 16, lines 1-8. Claims

29 and 30, now canceled and which respectively recite among other features, a monitoring group directly intervening if a request was not responded to within a predefined period of time, were rejected by the Examiner under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cummings in view of Johnson. In support of the rejection, the Examiner cites at pages 11-12 of the Office Action, col. 3, lines 55-63 of Cummings. Contrary to the Examiner's assertion, Applicants respectfully submit that Cummings, alone or in combination with Johnson does not show, describe, teach or suggest a system or method that includes a monitor or monitoring group that monitors the communication between the user and providers including checking that the responses from the providers is generated within a predefined period of time and directly intervening if the response is not generated in the predefined period of time. Instead, Cummings at col. 3, lines 35-40 only discloses that a feature of the invention of Cummings enables "patients to receive timely and accurate information." Applicants submit that Cummings more specifically discloses this capability by describing a call center 11 for servicing "after-hours callers," which will, according to Cummings, "greatly enhance the patients' sense of timely and competent service." See Cummings at col. 10, lns. 33-56. Nowhere in Cummings is it disclosed that a monitoring group checks that either a response is generated within a predefined period of time or that a monitoring group will directly intervene if the response is not generated within the predefined period of time. Johnson does not cure the deficiency of Cummings, nor does the Examiner cite to any portion of Johnson describing or showing the features of a monitoring group or monitoring for a response within a predefined period of time.

Because Cummings alone or in combination with Johnson does not show, describe, teach or suggest the monitoring group or step of monitoring as claimed by Applicants, Cummings alone or in combination with Johnson fails to teach or suggest Applicants' invention as a whole

and thus, fails to disclose each and every element of amended claims 1, 14 and 27. Accordingly, Applicants submit that neither anticipation nor a *prima facie* case of obviousness can be established with respect to Cummings and therefore, respectfully request that the rejections under Sections 102(e) and 103 be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of pending claims 1-28, 31 and 32, should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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Dated: December 20, 2004

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